

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

X
JOHN MARCHISI, individually and d/b/a
JOHN MARCHISI STUDIOS,

Plaintiff,

Docket No. 14-CV-4553 (CS)

STIPULATION

-against-

STEVE GOLDBERG, VINTAGE
ROCKEFELLER WINES & SPIRITS GROUP
CORP., DAVID PIERCE, CLASSIC WINE
SPIRITS, LLC and SPEEDWAY
MOTORSPORTS, INC.

Defendants.

Hon. Cathy Seibel

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 12/18/2014

IT IS HEREBY STIPULATED AND AGREED by and between the undersigned attorneys for the Plaintiff JOHN MARCHISI, individually and d/b/a JOHN MARCHISI STUDIOS, and Defendants STEVE GOLDBERG and VINTAGE ROCKEFELLER WINES & SPIRITS GROUP CORP. ("moving defendants") that:

1. Moving defendants withdraw their served but unfiled motion for partial dismissal of the Second Amended Complaint.

2. Plaintiff voluntarily dismisses with prejudice all demands for punitive damages as against all defendants.

3. Moving defendants consent to plaintiff serving a Third Amended Complaint on or before December 29, 2014.

4. Moving defendants will answer or otherwise respond to any such Third Amended Complaint within 30 days after service thereof.

5. This Stipulation may be signed in counterparts and a copy or facsimile of a signature shall be effective as if it were an original.

Dated: Roseland, NJ
December 5, 2014.

BRACH EICHLER LLC
Attorneys for Plaintiff

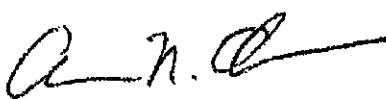
By:


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Dated: Hawthorne, NY
December 3, 2014

TRAUB LIEBERMAN STRAUS &
SHREWSBERRY LLP
*Attorneys for Defendants Steve Goldberg and
Vintage Rockefeller Wines & Spirits Group
Corp.*

By:



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SO ORDERED:


Hon. Cathy Seibel
U.S. District Judge

December 8 2014

White Plains, NY